

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

COSMIN F. HARRIS, JR.,

Plaintiff,

v.

ORDER
18-CV-7352 (MKB)

J CAP, JOHN DOE 1 (DR. AQUINO), Senior
Doctor, VICTOR DELGADO, Director of Programs,
NACY BRINN, C.F.O., JANE DOE 1,
Doctor/Physician Assistant/LPN, JANE DOE 2 (MS.
BARNES), Director, JOHN DOE (DR #3), (African
Doctor), JOHN DOE, Senior Con., and JANE DOE,
Medical Director,

Defendants.

MARGO K. BRODIE, United States District Judge:

Plaintiff Cosmin F. Harris, Jr., proceeding *pro se*, commenced the above-captioned action against Defendants in the Southern District of New York on December 11, 2018. (Compl., Docket Entry No. 2.) On December 18, 2018, the action was transferred to this Court. (Transfer Order, Docket Entry No. 4.) Plaintiff alleges claims pursuant to 42 U.S.C. § 1983 for, *inter alia*, deliberate indifference, neglect, and “[m]edi[c]al [d]ecisions [f]rom non[-]medi[c]al staff.” (Compl. 2.)¹ By Memorandum and Order dated April 20, 2020, the Court dismissed the Complaint and granted Plaintiff thirty (30) days to file an amended complaint (the “April 2020 Decision”). (Apr. 2020 Decision, Docket Entry No. 10.) The

¹ Because the Complaint is not consecutively paginated, the Court refers to the page numbers assigned by the Electronic Case Filing (“ECF”) system.

Court mailed the April 2020 Decision to the address provided by Plaintiff, but the United States Postal Service returned the mail as undeliverable.² (Notice of Returned Mail, Docket Entry No. 11.) In addition to mailing the April 2020 Decision, because Plaintiff has consented to electronic service of court documents in this case, the Court also sent the April 2020 Decision to the electronic mail address he provided. (Consent to Electronic Notification, Docket Entry No. 9.)

More than thirty days have passed, and Plaintiff has not filed an amended complaint as directed by the April 2020 Decision. Accordingly, the Court dismisses the action. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal would not be taken in good faith and therefore *in forma pauperis* status is denied for purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444–45 (1962). The Clerk of Court is directed to enter judgment and close this case.

Dated: July 9, 2020
Brooklyn, New York

SO ORDERED:

s/ MKB
MARGO K. BRODIE
United States District Judge

² The Court notes that it is Plaintiff's responsibility to inform the Court of his current address. *See Greene v. Sposato*, No. 16-CV-1243, 2019 WL 1559421, at *1 (E.D.N.Y. Apr. 9, 2019) (noting that a *pro se* plaintiff has a duty "to keep the [c]ourt apprised of his or her current mailing address"); *English v. Azcazubi*, No. 13-CV-5074, 2015 WL 1298654, at *2 (E.D.N.Y. Mar. 20, 2015) ("[W]hen a party, even a *pro se* litigant, changes addresses, it is that party's obligation to notify the Court of the new address.").